

ORIGINAL

LUKAS, MCGOWAN, NACE & GUTIERREZ

CHARTERED

1111 NINETEENTH STREET, N.W.

SUITE 1200

WASHINGTON, D.C. 20036

(202) 857-3500

RUSSELL D. LUKAS

GERALD S. MCGOWAN

DAVID L. NACE

THOMAS GUTIERREZ

ELIZABETH R. SACHS

GEORGE L. LYON, JR.

PAMELA L. GIST

DAVID A. LAFURIA

TERRY J. ROMINE

MARCI E. GREENSTEIN<sup>+</sup>

MARJORIE GILLER SPIVAK

J. JUSTIN MCCLURE<sup>+</sup>

MARILYN I. SUCHECKI

PAMELA GAARY HOLRAN

<sup>+</sup> NOT ADMITTED IN D.C.

DOCKET FILE COPY ORIGINAL

June 26, 1996

CONSULTING ENGINEERS  
THOMAS G. ADCOCK, P.E.

MEHRAN NAZARI

ALI KUZEHKANANI

SHAHRAM HOJATI, D.SC.

LEROY A. ADAM

LEILA REZANAVAZ

FARID SEYEDVOSOGHI

OF COUNSEL

JOHN J. MCAVOY

J.K. HAGE III<sup>+</sup>

TELECOPIER

(202) 842-4485

Email: [lmng@fccclaw.com](mailto:lmng@fccclaw.com)

<http://www.fccclaw.com/lmng>

WRITER'S DIRECT BIAL  
(202) 828-5479

**VIA HAND DELIVERY**

Mr. Bobby Brown  
Commercial Wireless Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 7130  
Washington, D.C. 20554

RECEIVED

JUN 26 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

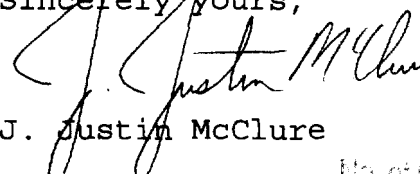
Re: Mobile Telecommunication Technologies Corp.  
Petitions for Rulemaking to Amend Rule Section  
22.521 to Include Four New Cities in the Table of  
Assignments for Air-Ground Stations in the PLMS

Dear Mr. Brown:

Pursuant to our discussion earlier today and on behalf of Mobile Telecommunication Technologies Corp. ("Mtel"), please find enclosed for your information and review copies of the referenced Petitions for Rulemaking filed on April 8, 1994 for Eureka, CA; San Luis Obispo, CA; Springfield, OR; and Grants Pass, OR. Mtel has not received any information from the Commission relating to these Petitions since they were filed. Accordingly, please provide me with an update as to the status of these Petitions upon completion of your review.

Thank you for your assistance in this matter and should you have any questions or desire further information with respect to the Petitions, please do not hesitate to contact me.

Sincerely yours,

  
J. Justin McClure

Enclosures

No. of Copies rec'd  
List ABCDE

041

LUKAS, MCGOWAN, NACE & GUTIERREZ

CHARTERED  
1819 H STREET, N.W.  
SEVENTH FLOOR  
WASHINGTON, D.C. 20006

RUSSELL D. LUKAS  
GERALD S. MCGOWAN  
DAVID L. NACE  
THOMAS GUTIERREZ  
ELIZABETH R. SACHS  
GEORGE L. LYON, JR.  
PAMELA L. GIST  
DAVID A. LAFURIA  
TERRY J. ROMINE  
MARCI E. GREENSTEIN<sup>+</sup>  
BOB J. GOLDBERG  
J. JUSTIN MCCLURE<sup>++</sup>  
MARILYN I. SUCHECKI<sup>+++</sup>

<sup>+</sup> ADMITTED IN PENNSYLVANIA ONLY  
<sup>++</sup> ADMITTED IN MISSISSIPPI ONLY  
<sup>+++</sup> ADMITTED IN MASSACHUSETTS ONLY

CONSULTING ENGINEERS  
THOMAS G. ADCOCK, P.E.  
MEHRAN NAZARI  
ALI KUZEHKANANI  
JAMES R. LANDOLL, P.E.  
LEROY A. ADAM  
FARID SEYEDVOSOGHI

April 8, 1994

RECEIVED  
(202) 857-3300  
TELECOPIER  
(202) 842-4485  
APR - 8 1994  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20541  
DIRECT DIAL  
(202) 8828-9479

Hon. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

Re: Mobile Telecommunication Technologies Corp.  
Petition for Rulemaking to Amend Rule Section 22.521  
to include Eureka, California in the Table of  
Assignments for Air-Ground Stations in the PLMS

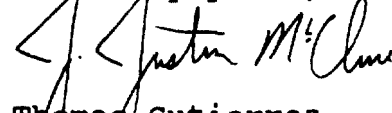
Attn: Andy Nachby  
Room 644

Dear Mr. Caton:

On behalf of Mobile Telecommunication Technologies Corp.,  
please find enclosed for filing an original and four (4) copies of  
its above referenced Petition for Rulemaking.

Should any questions arise with respect to this matter, please  
contact undersigned counsel directly.

Sincerely yours,

  
Thomas Gutierrez  
J. Justin McClure

JM:cms  
Enclosure

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Amendment of Section 22.521(b) of the  
Commission's Rules to include Eureka,  
California, in the table of assignments  
for air-ground stations in the Public  
Land Mobile Service

RM No. \_\_\_\_\_

**PETITION FOR RULEMAKING**

Mobile Telecommunication Technologies Corp. ("Mtel"), by its attorneys, hereby petitions the Commission to modify Part 22 of its rules to allocate UHF spectrum for air-ground service at Eureka, California. In support of this request, Mtel submits the following:

**I. Introduction**

In 1969 the Commission established an integrated air-ground radiotelephone service interconnected with the public switched telephone network operating under Part 22 of the rules.<sup>1/</sup> See Air-Ground Service, 22 FCC 2d 716 (1969). Under the Commission's existing regulatory framework, Section 22.521(a) of the Commission's Rules allocates twelve base station frequencies for assignment to Land Mobile Radio stations for the purpose of providing communications service to airborne stations. Section 22.521(a) also allocates 12 frequencies for mobile and auxiliary test station use. Section 22.521(b) allocates from one to four of

---

<sup>1/</sup> This service is distinct and separate from the nationwide 800 MHz air-ground service available on commercial flights.

the base frequencies to specific geographic locations. That subsection requires that base stations operating on these frequencies be within 25 miles of the coordinates of the location specified.

Eureka is not among the locations listed in Section 22.521(b), nor is it within 25 miles of any of the locations so specified. As a result, air-ground service is not presently available in this community. Yet, as set forth below, there is a true need for such service and the service can be provided without risking interference to presently authorized facilities, and without otherwise being inconsistent with the Commission's rules.

## II. The Need For Service

Eureka is the principal municipality within the metropolitan area having the same name and a 1990 population of 27,025. It is a center of commercial activity as well as the location of significant general aviation activity. Eureka is a major metropolitan area connecting San Francisco, California and points south with Portland, Oregon, and points north. Thus, this community is a center of commerce, as well as being located on a primary flight route separating other hub cities on the west coast.

## III. Proposed Amendment

Notwithstanding the clear need for service, there are no authorized air-ground stations within 90 miles of Eureka. In order to cure this shortcoming, Mtel proposes that Section 22.521(b) be amended to add the following:

<u>Location</u>	<u>Channel</u>
California	
Eureka	9

This amendment would allow an air-ground station to be operated, after proper authorization, on the working frequency of 454.825 MHz (Channel 9) and 454.675 (the nationwide signalling channel) within 25 miles of Eureka.

Petitioner has selected Channel 9 for the proposed amendment to afford maximum co-channel separation from all other air-ground stations allocated by Section 22.521(b). Significantly, the closest co-channel facility to Eureka is located 480 miles away in Seattle, Washington. This degree of separation has already been found to be more than sufficient to warrant allocation of additional air-ground facilities.<sup>2/</sup> Modification of the Table of Assignments as set forth herein would also be consistent with other Commission action where it has held that there is a need for quality air-ground communications in cities not currently being served. See, e.g., Air-Ground Radiotelephone Service (Table of Assignments), 6 FCC Rcd 1863 (1991), where the Commission allocated spectrum for air ground service in Fort Myers, Florida; Wilmington, North Carolina; and Columbia, Missouri.

---


<sup>2/</sup> See, e.g., Report and Order allocating spectrum for air-ground service in Mobile, Alabama in Docket No. 84-1295, 50 FR 23125 (effective July 1, 1985).

IV. Conclusion

In view of the above, Mtel submits that revision of the Commission's rules to allocate spectrum for air-ground at Eureka, California would serve the public interest, convenience and necessity. Accordingly, Mtel respectfully petitions the Commission to modify its rules in accordance with the proposal set forth above.

Respectfully submitted,

MOBILE TELECOMMUNICATION  
TECHNOLOGIES CORP.

By:   
Thomas Gutierrez  
J. Justin McClure

Its Attorneys

Lukas, McGowan, Nace &  
Gutierrez, Chartered  
1819 H Street, N.W., 7th Floor  
Washington, D.C. 20006  
(202) 857-3500

April 8, 1994

DOCUMENT OFF-LINE

This page has been substituted for one of the following:

- o An oversize page or document (such as a map) which was too large to be scanned into the RIPS system.

- ☒ Microfilm, microform, certain photographs or videotape.

- o Other materials which, for one reason or another, could not be scanned into the RIPS system.

The actual document, page(s) or materials may be reviewed by contacting an Information Technician. Please note the applicable docket or rulemaking number, document type and any other relevant information about the document in order to ensure speedy retrieval by the Information Technician.